

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|---------------------------|
| VINCENT P. CHIGLINSKY, JR. | : | CIVIL NO.: 1:23-cv-01162 |
| | : | |
| Plaintiff, | : | (Magistrate Judge Schwab) |
| | : | |
| v. | : | |
| | : | |
| | : | |
| MARTIN O'MALLEY, ¹ | : | |
| Commissioner of Social Security, | : | |
| | : | |
| Defendant. | : | |

ORDER

September 18, 2024

For the reasons set forth in the Memorandum Opinion filed concurrently with this Order, **IT IS ORDERED** that the Commissioner's decision is **VACATED**, and the case is **REMANDED** to the Commissioner pursuant to 42 U.S.C. § 405(g) for further proceedings consistent with the Memorandum Opinion and this Order. After entering judgment in favor of Chiglinsky and against the

¹ Martin O'Malley is now the Commissioner of Social Security, and he is automatically substituted as the defendant in this action. *See* Fed. R. Civ. P. 25(d) (providing that when a public officer sued in his or her official capacity ceases to hold office while the action is pending, “[t]he officer’s successor is automatically substituted as a party”); 42 U.S.C. § 405(g) (“Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.”).

Commissioner as set forth in the prior sentence, the Clerk of Court shall close this case.

S/Susan E. Schwab

Susan E. Schwab

United States Magistrate Judge